# Industrial Stormwater General Permit Initiative
# Work Group Meeting – December 12, 2008

## WORK GROUP ATTENDEES

| | | |
|---|---|---|
| Bill Moore | Washington Department of Ecology (Ecology) | bmoo461@ecy.wa.gov |
| Jeff Killelea | Washington Department of Ecology | jkil461@ecy.wa.gov |
| Ken Johnson | Weyerhaeuser, for the Association of Washington Business (AWB) | ken.johnson@weyerhaeuser.com |
| Katie Kolarich | Puget Soundkeeper Alliance | katie@pugetsoundkeeper.org |
| Marilyn Guthrie | Washington Public Ports Association (WPPA) | gutherie.m@portseattle.org |
| Heather Kibbey | City of Everett, Association of Washington Cities | hkibbey@ci.everett.wa.us |
| Cal Noling | StormwateRx Consultants | caln@stormwaterx.com |
| Gary Smith | Independent Business Association | iba@isomedia.com |
| Nathan Graves | Kennedy Jenks Consultants | nathangraves@kennedyjenks.com |
| Kevin Burrell | Environmental Coalition of South Seattle | kevin@ecoss.org |
| Kate Snider | Floyd\|Snider (Facilitation) | kate.snider@floydsnider.com |
| Nick Spang | Floyd\|Snider (Facilitation) | nick.spang@floydsnider.com |

## PUBLIC & INVITED ATTENDEES

| | | |
|---|---|---|
| Mel Oleson | Boeing | mel.oleson@boeing.com |
| Alan Sugino | Boeing | alan.k.sugino@boeing.com |
| Kris Holm | Water Resources Northwest, with Boeing | krisholm@comcast.net |
| Brad Tower | Schnitzer Steel Industries | bhtower@towerltd.org |
| Paul Fendt | CDM | fendtps@cdm.com |
| Lincoln Loehr | Stoel Rives | lcloeher@stoel.com |
| Ross Dunning | Kennedy Jenks Consultants | rossdunning@kennedyjenks.com |
| Gregg Bryden | Kennedy Jenks Consultants | greggbryden@kennedyjenks.com |
| Bridget Baker-White | Smith & Lowney, PLLC with the Puget Soundkeeper Alliance | bridgetbw@igc.org |

This meeting summary was prepared by Nick Spang and Kate Snider. It is based on notes and transcriptions of the flip charts used during the meeting to document the discussion. ***Concepts that will be useful to bring forward into potential recommendations for a new ISWGP are identified in bold italics.***

## MEETING OBJECTIVES

- Get Work Group input on Ecology's draft update to the Washington State Legislature on 303(d) dischargers.
- Discuss Best Management Practice (BMP) effectiveness and associated costs for meeting stormwater effluent target values.
- Review Kennedy Jenks' stormwater discharge/receiving water assessment model.
- Define implementation support structure components.
- Discuss how to catalyze the implementation support structure.
- Discuss next steps for the development of recommendations

## WORK GROUP INPUT ON ECOLOGY'S DRAFT LEGISLATIVE UPDATE ON RECOMMENDATIONS FOR ESTABLISHING NUMERIC EFFLUENT LIMITS FOR DISCHARGERS TO 303(D)-LISTED (IMPAIRED) WATER BODIES

Bill and Jeff provided a copy of Ecology's draft update to the Washington State Legislature, and noted that they do not expect action from Legislature in response to the update. Implementation of the recommendations will move forward after the April 2009 public comment period, unless there is significant public comment.

Ecology has not yet determined how to approach site specific evaluations, but plans to use concepts from the individual permit program. One issue is that the Legislature wants Ecology to comply with the requirement to establish numeric effluent limits for dischargers to impaired water bodies by May of 2009. Ecology does not know when it can start or how to address the tight timeline yet. It was suggested that perhaps Ecology could issue individual permits based on a model permit.

The question was also asked about what would happen if future Total Maximum Daily Load (TMDL) limits are less stringent than site-specific effluent limits for dischargers to impaired water bodies.

## BMP EFFECTIVENESS AND ASSOCIATED COSTS FOR MEETING STORMWATER EFFLUENT TARGET VALUES

Paul began with a presentation, for the WPPA, of a statistical evaluation of the effectiveness of passive BMPs. He concluded that Ecology should

- Look at Benchmarks and Action Levels compared to existing stormwater and BMP performance.
- Consider BMP performance curves when evaluating implementation of stormwater regulations, such as in the performance of "Reasonable Potential Analyses" (RPAs), and determining standards like "Maximum Extent Practicable" (MEP), and "All Known, Available, and Reasonable methods of prevention and treatment Technology" (AKART)

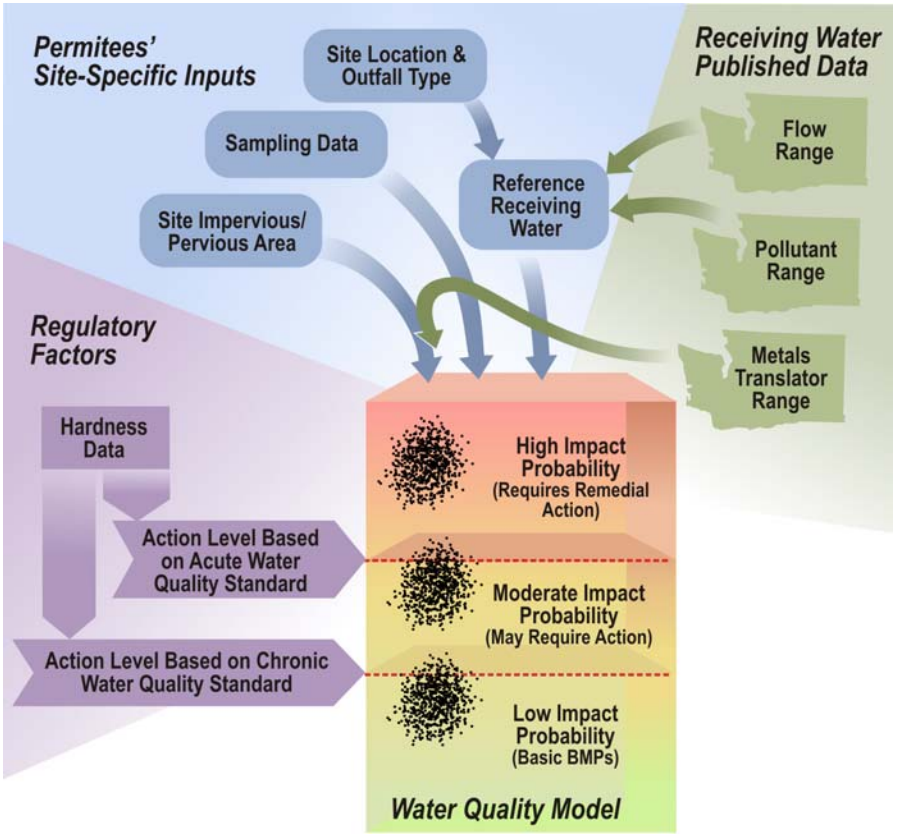
- Use passive BMPs in standard applications to make stormwater improvements.

Cal followed up with a comparison of field data to the Herrera 6415 report regarding influent concentrations, looking specifically at the effectiveness of sand filters. He concluded:

- BMPs should be carefully matched to loading.
- Influent water quality and BMP effectiveness is highly variable by sector
- Full scale performance data is needed, but not much exists due to the short time that data have been collected on various BMP types.
- Technical suppliers and engineers may be able to provide performance data, for example, what factors affect performance and what can be reasonably expected from BMPs.
    - There is a potential linkage here to the stormwater work group, municipal efforts, etc.
- ***Form a working group of technical suppliers and engineers, with good peer review, to document performance and cost data for BMPs and make that information available to permittees and Ecology in a "BMP Marketplace."***
- This could help define AKART regarding cost effective passive technologies.

**OVERVIEW OF THE BOEING/KENNEDY JENKS' STORMWATER DISCHARGE/RECEIVING WATER ASSESSMENT MODEL THAT IS IN DEVELOPMENT**

Under contract from Boeing, Kennedy Jenks is developing a model that is run through a Microsoft Excel add-on that will calculate a site's probability of exceeding water quality standards using a Monte Carlo simulation, given specific characteristics of the site and the receiving water.




The goal of creating the model is to provide easy input of site characteristics and sampling data, to and help focus attention on sites with the most potential to impact water quality.

The model assesses the probability of exceeding water quality standards

based on simple site-specific information and published water quality/flow data. These results could be used to determine the level of monitoring and treatment efforts required through a tiered permit approach.

The capability could be added to the model to evaluate effects of BMPs and set pollutant removal design goals for them. Overall this tool could have a strong potential to allow high-priority sites to be identified, providing more focus when evaluating individual sites, and sector-based enforcement priorities.

***The Work Group supports continued development of the discharge and site characterization model initiated by Kennedy/Jenks and utilize it as a way to identify priority sites based on probability to exceed water quality standards. This could allow permittees to either use standard target levels defined in the general permit, or to use the site-specific modeling tool to identify site-specific targets based on site and receiving water body characteristics (similar to a Model Toxics Control Act (MTCA) 'Method A' cookbook approach and a 'Method B' site specific approach for target levels). EPA NPDES permit guidance already allows for probability based permitting; current computer and software technology makes this approach feasible.***

**IMPLEMENTATION SUPPORT STRUCTURE**

Municipal Agents, Third-Party Certification and SWPPP Approval

The Work Group agreed that there needs to be more inspections, assistance, and enforcement.

- ***The Work Group discussed certifying municipalities to act as "agents" on behalf of Ecology for ISWGP enforcement, to extend Ecology's enforcement and technical assistance capabilities.***
- This would only work if there was a clear and common understanding of program requirements, so that permittees were getting consistent message from Ecology and municipal inspectors
- ***The Work Group also discussed a third-party certification program for technical assistance and SWPPP approval*** – the Erosion Control certification program could be a model.
- Multiple entities could do the training for certification.
- There was general agreement that enforcement should be conducted only by the government (Ecology or Municipality) or government contractor.
- ***The permit could contain language that recognizes that a certified third party can give advice and provide judgment on ISWGP compliance.***
- Permittees need advice they can "take to the bank," can not be contradictory advice from third party and Ecology.
- Businesses should be able to develop their own site specific SWPPP and manage it's implementation.

- ***SWPPPs should include inspection checklist and reporting regarding SWPPP implementation. Businesses should be able to confirm their SWPPP implementation using those tools.***

Web-Based Tools

- ***A central internet hub would be valuable, containing information that includes a SWPPP "wizard," permit information, and BMP marketplace.***
  - The SWPPP wizard would help direct permittees into compliance with a decision tree tool and the selection of appropriate BMPs.
  - A key element of the BMP marketplace would be peer review of BMPs to help permittees choose the best ones for their sites.
    - The BMP marketplace would be an enhanced version of the "yellow book" for hazardous waste, and could be available electronically or in print.
    - Trade associations would have a role in reviewing BMPs for the "marketplace."
- ***Ecology should implement an e-reporting system, and the ability for DMR and permittee information to be displayed on an interactive map.***
  - An eDMR system that will allow for speedy reporting is currently in development by Ecology.
- ***An internet-based tool could also be developed for anonymous reporting of unpermitted or unregistered facilities.***

Increasing Permit Coverage

- ***Ecology should consider extending ISWGP coverage to industries who may not be in the appropriate SIC codes, but have activities that warrant permitting – the permit could be based on activities rather than SIC.***
- ***Ecology water quality staff could coordinate with the hazwaste program to identify industries who are doing hazwaste Pollution Prevention (P2) planning, in order to identify industries who should be under the ISWGP permit but may not be.***

**NEXT STEPS**

- Work Group members will send thoughts to Floyd|Snider regarding ideas to add to the list of recommendations by early January.
- The input from the Work Group will inform several aspects of the ISWGP:
  - The Draft Permit
  - The Overall Program
  - Implementation Support Structure
- The Work Group will rank recommendations for discussion during the January meetings.
  - The ranking tool will be sent out by December 19, 2008

- The ranking will be done by January 8, 2009
- The purpose of the ranking is just an initial screening to define how to focus our time in the January meetings.